

**REMARKS**

Claims 22-49 are pending. By this Amendment, claims 22, 25, 26, 28, 29, 32, 33, 35, 36, 39, 40 and 42 are amended, and claims 43-49 are added. No new matter is added.

Claims 22, 25, 26, 28, 29, 32, 33, 35, 36, 39, 40 and 42 are amended to improve form. Support for the claims is found in the disclosure as originally filed.

For the following reasons, reconsideration is respectfully requested.

**Claim rejection – 35 U.S.C. § 103**

Claims 22-24 and 28 are rejected under 35 U.S.C. § 103(a) over Tozaki et al., (U.S. Patent No. 7,398,010), in view of Weijenbergh et al., (U.S. Patent No. 7,248,555).

Claims 25 and 26 are rejected under 35 U.S.C. § 103(a) over Tozaki, in view of Weijenbergh, and further in view of Mishima et al., (U.S. Patent No. 7,343,083).

Claim 27 is rejected under 35 U.S.C. § 103(a) over Tozaki, in view of Weijenbergh, and further in view of Kojima (U.S. Patent No. 5,953,484).

Additionally, claims 29-35 and 36-44 are rejected in view of the explanation set forth in regards to claims 22-28 in the Office Action. The rejections are respectfully traversed.

It is respectfully submitted that Tozaki and Weijenbergh, either individually or in combination, fail to disclose or suggest a method of recording data on a recording medium, comprising recording a control information on a specific area of the recording medium, the control information including a playback speed information and a maximum transfer rate information specifying a maximum transfer rate needed by an application, wherein the maximum transfer rate information is represented by a bit rate, the playback speed information is distinguished from the maximum transfer rate information, a playback speed of the playback

speed information is for suitably reproducing a main data, and the playback speed information is represented by one byte information and is represented by a multiplication of a basic speed, not by a bit rate, as recited in claim 22.

Additionally, Tozaki and Weijenbergh, either individually or in combination, fail to disclose or suggest each and every feature of claims 29 and 36 reciting similar features of varying scope.

In addition to the deficiency acknowledge by the Examiner in the Office Action, Tozaki is further defiant. Specifically, instead of the recited the playback speed information being represented by one byte information and being represented by a multiplication of a basic speed, not by a bit rate, Tozaki discloses that reading rates are expressed as Mbps (megabits per second). For example, Tozaki expresses a range of reading rates, including 10.08 Mbps, 5.04 Mbps and 2.52 Mbps, and using one of such reading rates as a lowest reading rate (see col. 14, lines 41-59 and col. 15, lines 26-31 of Tozaki). Accordingly, Tozaki is further deficient since the reading rates are expressed in bits, and thus, fails to disclose the claimed playback speed information being represented by a multiplication of a basic speed, not by a bit rate.

Weijenbergh fail to remedy at least the above noted deficiency of Tozaki. That is, instead of the claimed playback speed information being represented by a multiplication of a basic speed, not by a bit rate, Weijenbergh expresses bit rates for the maximum transfer rate that is not even the recited playback speed information (see col. 14, lines 7-19 of Weijenbergh).

Based on at least the above, Tozaki and Weijenbergh, either individually or in combination, fail to disclose or suggest each and every feature of claim 22. Additionally, for similar reasons, Tozaki and Weijenbergh, either individually or in combination, fail to disclose

or suggest each and every feature of claims 29 and 36. Accordingly, claims 22, 29 and 36 are patentably distinguishable over the applied references and their combination.

Further as none of the secondary references to Mishima and Kojima remedy the deficiencies of Tozaki, Weijjenbergh, and their combination, claims 23-28, which depend from claim 22; claims 30-35, which depend from claim 29; and claims 37-42, which depend from claim 36, are likewise patentably distinguishable over the applied references and their combination for at least the reasons discussed above and/or for the additional features they recite. Withdrawal of the rejection is respectfully requested.

#### *New claims*

New claims 43-49 are corresponding apparatus claims. Accordingly, claims 43-49 are also patentable for reasons discussed above. Consideration and allowance are respectfully requested.

#### **CONCLUSION**

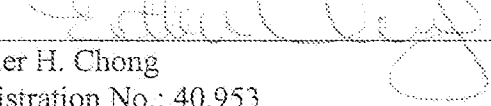
In view of the above amendment and/or remarks, applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Seth S. Kim, Reg. No. 54,577, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By   
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